

## Message Text

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ORIGIN EB-03

INFO OCT-01 EUR-10 ISO-00 L-02 INR-10 SS-14 RSC-01 /041 R

DRAFTED BY EB/AN:MHSTYLES:TH

APPROVED BY EB/AN:MHSTYLES

L/EB - MR. TRIMBLE

EUR/NE - MR. FLOYD

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R 132136Z JUN 74

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

C O N F I D E N T I A L STATE 126249

STADIS//////////

LIMDIS

E.O. 11652: GDS

TAGS: ETRN, UK

SUBJECT: CIVAIR - LAKER AIRWAYS PERMIT

1. CAB HAS FORWARDED TO PRESIDENT FOR HIS APPROVAL A RECOMMENDATION THAT LAKER'S APPLICATION FOR FOREIGN AIR CARRIER PERMIT TO PERFORM SKYTRAIN SERVICE BE DENIED ON GROUNDS THAT LAKER HAS FAILED TO ESTABLISH, BY VIRTUE OF ITS RECORD OF VIOLATING US LAW AND REGULATIONS ON CHARTER FLIGHTS THAT IT IS "FIT, WILLING AND ABLE PROPERLY TO PERFORM" THE TRANSPORTATION, AS REQUIRED BY SECTION 402(B) OF FEDERAL AVIATION ACT. BOARD OPINION NOTES THAT ARTICLE 2(2) OF US-UK AIR SERVICES AGREEMENT PROVIDES THAT A "DESIGNATED AIR CARRIER ...MAY BE REQUIRED TO SATISFY THE AERONAUTICAL AUTHORITIES...GRANTING THE RIGHTS THAT IT ...IS...QUALIFIED TO FULFILL THE CONDITIONS PRESCRIBED BY OR UNDER THE LAWS AND REGULATIONS NORMALLY APPLIED BY THOSE AUTHORITIES TO THE OPERATIONS OF COMMERCIAL AIR CARRIERS. SINCE LAKER IS NOT FIT WITHIN MEANING OF SECTION 402(B) OF ACT, IT IS NOT QUALIFIED PURSUANT TO BILATERAL".

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2. ALTHOUGH BOARD CONCLUDES THAT FOREGOING GROUND IS

DISPOSITIVE OF CASE, IT ALSO FINDS THAT THE TRANSPORTATION AT THE FARES PROPOSED WOULD NOT BE IN THE PUBLIC INTEREST.

3. DEPARTMENT BELIEVES THAT DENIAL OF LAKER APPLICATION ON GROUNDS STATED BY BOARD IS LEGALLY DEFENSIBLE UNDER TERMS OF BILATERAL AGREEMENT ASSUMING NO DISCRIMINATION AGAINST LAKER INVOLVED.

4. MAIN QUESTION, OF COURSE, IS WHETHER CURRENT BRITISH GOVERNMENT LIKELY TO RETALIATE IN SOME WAY AGAINST US AIR-LINES. DEPARTMENT REQUESTS EMBASSY'S ASSESSMENT ON THIS QUESTION IF POSSIBLE, BY JUNE 18. MATTER SHOULD NOT BE DISCUSSED OUTSIDE EMBASSY. SISCO

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, AVIATION REGULATIONS, AIR ROUTE APPLICATIONS, AIRLINES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 JUN 1974  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** izenbei0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE126249  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** MHSTYLES:TH  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
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**Original Handling Restrictions:** STADIS  
**Original Previous Classification:** n/a  
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**Previous Handling Restrictions:** STADIS  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** izenbei0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 24 JUN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
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**Review Transfer Date:**  
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**Status:** NATIVE  
**Subject:** CIVAIR - LAKER AIRWAYS PERMIT  
**TAGS:** ETRN, UK, CAB, LAKER AIRWAYS  
**To:** LONDON  
**Type:** TE  
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